

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office.

Returned to applicant for correction.

**Corrected application filed**

**..Map filed**

**The applicant.**

## Mountain City Star Route

..of

City or Town

Nevada 89801

State and Zip Code No.

...hereby make....<sup>S</sup> application for permission to change the

point of diversion of a portion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under.

permit #42687

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is underground (Jerrett well #6)  
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 2.0 c.f.s. (1,447.2 acre-feet per year)  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for same as existing mining, milling & domestic  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for mining, milling and domestic  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point within Lot 17 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) Section 4, T.40N., R.54E., M.D.M., at a point from which Describe as being within a 40-acre subdivision of public survey and by course and the NE corner of said section 4 bears N. 4 $^{\circ}$  39' E., 1,007 ft. dist. (this is the distance to a section corner. If on unsurveyed land, it should be stated. location of the replacement well, which was drilled 78 feet south of the original well-drilled under permit #39881)
6. The existing permitted point of diversion is located within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 33, T.41N., R.54E., M.D.M., from which the SW corner of said section bears S. 44 $^{\circ}$  36' W., 5,599 ft. dist.  
If point of diversion is not changed, do not answer.
7. Proposed place of use same as existing  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
8. Existing place of use NE $\frac{1}{4}$  NE $\frac{1}{4}$  (Lot 17) of Section 4, T.40N., R.54E.; S $\frac{1}{2}$ , NW $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$  and SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, T.41N., R.54E.; and approximately six miles of ore haul road through manner of use of irrigation permit, describe acreage to be removed from irrigation: portions of Secs. 25, 26, 35 in T.41N., R.53E., and Secs. 29, 30, 32 and 33, in T.41N., R.54E., M.D.M.
9. Use will be from same as existing to \_\_\_\_\_ of each year.  
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.  
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) drilled and cased well equipped with turbine pump, electric motor, storage tank and pipelines to place of use  
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works \$35,000.00
13. Estimated time required to construct works existing works

14. Estimated time required to complete the application of water to beneficial use.....five years.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

This change application is submitted for the purpose of more nearly balancing the permitted quantities from the several sources with the capability of the well and pumping equipment under initial testing conditions.

By s/William A. Nisbet  
421 Court Street  
Elko, Nevada 89801

Compared bc/mv am/se

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 42687 is issued subject to the terms and conditions imposed in said Permit 42687 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permits 39881, Certificate 11893, 47148, 47413, 47414, 48175, 50026, 50027, 50028, 54617, 55265, 56171-T, 56172-T, 56173-T, 56174-T, 56175-T, 56176-T, 56177-T, 56178-T, 56179-T, 56180-T, 56181-T, 56182-T, 56183-T, 56184-T, 56201-T and 56202-T shall not exceed 5834.9 acre-feet annually.  
(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.5 cubic feet per second, but not to exceed 1085.4 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before July 10, 1991

Proof of completion of work shall be filed before August 10, 1991

Application of water to beneficial use shall be made on or before July 10, 1992

Proof of the application of water to beneficial use shall be filed on or before August 10, 1992

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed

Proof of beneficial use filed

Cultural map filed

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.  
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 25th day of June

A.D. 1991

*[Signature]*  
State Engineer

Certificate No. Issued  
SEP 12 1991  
*[Signature]*  
STATE ENGINEER

## (PERMIT TERMS CONTINUED)

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from each well and the amount of water used for mining and milling purposes.

The well drilled under Permit 42687 shall be plugged in accordance with the Nevada Administrative Code Chapter 534 within 30 days from the issuance of this permit.

The permittee or its representatives shall submit a monitoring plan to the State Engineer within three months after the issuance of this permit. This plan must address all potential impacts resulting from the dewatering of the pit area. The State Engineer retains the right to require the permittee to cooperate in the funding of a hydrology study to be conducted by an independent third party.

